

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Personal Communications Industry )  
Association's Broadband Personal )  
Communications Services Alliance's )  
Petition for Forbearance for Broadband )  
Personal Communications Services )  
)  
Biennial Regulatory Review - )  
Elimination or Streamlining of )  
Unnecessary and Obsolete CMRS )  
Regulations )  
)  
Forbearance from Applying Provisions )  
of the Communications Act to Wireless )  
Telecommunications Carriers )  
)  
Further Forbearance from Title II )  
Regulation for Certain Types of )  
Commercial Mobile Service Providers )  
)  
GTE Petition for Reconsideration or )  
Waiver of a Declaratory Ruling )

DOCKET FILE COPY ORIGINAL

WT Docket No. 98-100


GN Docket No. 94-33

MSD-92-14

To: The Commission

**REPLY COMMENTS OF RUSS MILLER RENTAL**

Respectfully submitted,  
William R. Miller, dba  
Russ Miller Rental

By:   
William R. Miller, Owner  
3620 Byers Avenue  
Fort Worth, Texas 76107  
(817) 732-7791

September 2, 1998

## **I. INTRODUCTION**

Russ Miller Rental is a small SMR operator in the Dallas/Fort Worth, Texas market. It operates ten 800 MHz channels in Fort Worth, six in Sherman, nine in Bowie, three in Wills Point and six in Stephenville, Texas. We have been in the two-way radio business since 1972 and the SMR business since 1984. We are members of AMTA and PCIA. Mr. Miller is a member of the Radio Club of America and is active in several industry trade association committees, including AMTA's Regulatory Forum, Small Business Operator's Council, Facilities Siting Council, and PCIA's AWCET. In addition, Mr. Miller is vice-chairman of AMTA.

## **II. SUMMARY**

Russ Miller Rental generally supports AMTA's comments in the above proceeding. We also support the general idea of forbearance by the Commission where appropriate, and in particular, when it places responsibilities on small wireless carriers that are substantially more difficult to comply with than for a larger carrier with resources dedicated to compliance issues.

## **III. DISCUSSION**

1 In the definitions of CMRS and telecommunications carriers the "to the public" wording should not apply to small wireless providers such as SMRs offering

primarily dispatch service. We do not have, and will never have the capacity to compete with broadband or wireline services and provide service "to the public". Instead, we offer a low cost dispatch service with push-to-talk telephone interconnect as an ancillary service. We offer service only to businesses, not to consumers. Consumers have a primary need for telephone interconnect services, not dispatch service, while businesses have a primary need for dispatch service, not telephone interconnect service.

2. As an example, we have eliminated our telephone interconnect offering in the metropolitan area due to system capacity restraints (a dispatch call takes only 15 seconds on the average, compared to an average of 3 minutes for a telephone call). In the rural areas we still offer push-to-talk telephone interconnect, but only as an adjunct to dispatch service. We block all long distance calls and all 800 type calls. We also block operator access. We do not allow mobiles to receive calls from the telephone network. In fact, they don't even have telephone numbers (we still have to pay NANPA). The only telephone calls we do allow are outbound local calls. This allows us to avoid incurring universal service fund obligations (a fund which we are not eligible to draw from), but still allows the farmer to call for help if he breaks down or gets hurt and no one is home to answer the radio. It is really a shame to have to deny service to our customers in order for us to avoid having to pay more in fees than we would receive in interstate revenue. Does this promote competition? Maybe you should try to explain to the same farmer why he can't receive a telephone call on his radio from his sick kid at school, but must also carry a pager or a cellular phone

3 SMRs in the past were classified as private carriers. Now we are common carriers; even though the regulatory parity that we now have doesn't get us any more spectrum or capacity (still a maximum of ten simultaneous calls), or help us to compete with, or even offer the same services and features as broadband carriers. All we ask is to be treated fairly, according to our type of business and not be subjected to a "one size fits all" definition.

4. We are not low-tech hillbillies who don't want to offer all of the modern features and capabilities. We are capacity constrained. Our systems offer dispatch voice mail, site-to-site dispatch networking and automatic dispatch roaming between our sites. We can even offer GPS based vehicle location. We just can't do it for the masses.

5. Our cost to comply with the regulatory responsibilities cannot be measured in dollars alone. We do not have staff attorneys or staff regulatory relations personnel to deal with these responsibilities. We have the owner, an office person and several technicians. This means that the owner must take the time away from helping customers to sift through the various rules for the numerous different obligations, in order to comply with them. It also means that our costs for legal fees has more than tripled as have the costs and time to attend various continuing regulatory education seminars. We also now have to pay a lawyer in the D.C. city limits to accept hand delivery of any complaints against us from the FCC. What happened to the mail?

6. Please help our sorry lot by either: a) Using the "covered SMR definition in the E-911 proceeding, or: b) forbear from applying these restrictive regulations as there is no record of unjust or discriminatory practices and regulation is not needed to prevent such behavior, protect consumers, or promote competition.

## CERTIFICATE OF SERVICE

I, Linda J. Evans, hereby certify that I have, on this September 2, 1998, caused to be hand delivered a copy of the foregoing Reply Comments of Russ Miller Rental to the following:

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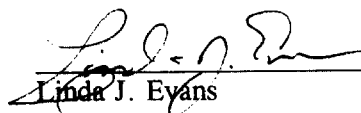
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